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SENATE

REPORT
99-285

KOK DJEN SU AND GRACE SU, HUSBAND AND WIFE

MARCH 5 (legislative day, FEBRUARY 24), 1986.—Ordered to be printed

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Mr. THURMOND, from the Committee on the Judiciary, submitted the following

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REPORT

U. S. GOVT. PUBS.
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[To accompany S. 1046]

The Committee on the Judiciary, to which was referred the bill (S. 1046) for the relief of Kok Djen Su and Grace Su, husband and wife, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Kok Djen Su and Grace Su, husband and wife. The bill provides for the payment of the required visa fees and for appropriate visa number deductions.

STATEMENT OF FACTS

The beneficiaries of the bill are a 33-year old husband and his 30-year-old wife who are native and citizens of Indonesia. Mr. Su first entered the United States as a student on July 21, 1972. Mrs. Su first entered the United States as a student on September 3, 1973. They were married November 12, 1977, in Portland, Oreg., and have a U.S. citizen child who was born August 27, 1979. They made an investment of $100,000 in purchasing and renovating the Sun-Downer Restaurant in Hood River. When Mr. Su went to the Immigration and Naturalization Service office to petition for nonpreference status on that basis, he was told that the quota was closed and his application was not accepted. If the family is forced to leave the United States, most of their money would be lost and 19 U.S. citizens gainfully employed would very likely be out of work.

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The following information with reference to the case was contained in Senate Report No. 97-604 in connection with S. 2103 which was a similar bill for the relief of the same beneficiaries passed by the Senate in the 97th Congress:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, May 11, 1982.

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A24402710.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 2103) for the relief of Kok Djen Su and Grace Su, there is attached a memorandum of information concerning the beneficiaries.

The bill would waive the provisions of the Immigration and Nationality Act relating to labor certification and would grant the beneficiaries permanent residence in the United States as of the date of its enactment, upon payment of the required visa fees. It would also direct that visa number deductions be made.

Absent enactment of the bill, the beneficiaries, natives of Indonesia, are chargeable to the nonprefernce portion of the numerical limitation for immigrants.

Sincerely,

DAVID M. DIXON,
Assistant to the Commissioner
(For the Commissioner).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 2103

The beneficiary, Kok Djen Su, aka Kok Djen Soe, a native and citizen of Indonesia, was born on November 10, 1952. He resides in Hood River, Oreg., with his wife and child. He obtained two bachelor degrees at Portland State University in 1979 in the fields of electrical engineering and applied science. Together with his wife, he has been co-owner and operator of a Chinese restraurant in Hood River, Oreg., for the last four years. Other than his immediate family, his only close relatives in the United States are two sisters, both natives and citizens of Indonesia, who are presently attending college in Portland, Oreg., as nonimmigrants. His parents, natives of China, are citizens and residents of Indonesia. His one brother and three other sisters are all natives and citizens of Indonesia and reside there.

The beneficiary, Grace, Su, aka Grace Tanuwidjava, a native and citizen of Indonesia, was born on June 22, 1955. She resides in Hood River, Oreg., with her husband and child. She obtained a bachelor's degree at the University of Washington in 1977 in the field of business administration.

Together with her husband, she has been co-owner and operator of a Chinese restaurant in Hood River, Oreg., for the last four years. Other than her immediate family she has no close relatives in the United States. Her father and four brothers, natives and citizens of Indonesia, reside there. Her mother, a native of China, is a citizen and resident of Indonesia.

Mr. amd Mrs. Su were married on November 12, 1977, in Portland, Oreg. It was first marriage of both parties. There has been one child of this marriage, Justin Alexander Su, a native and citizen of the United States, born on August 27, 1979. Beneficiaries claim a joint gross income of about $175,000 a year but a net joint income of only about $5,000 a year from the operation of their restaurant. They claim assets of about $373,000 in real estate, property and savings, and claim liabilities of about $98,000 in mortgage balances. They do not claim any significant assets or liabilities outside the United States.

Mr. Su first arrived in the United States on July 21, 1972, and was admitted as a nonimmigrant student. He departed on June 15, 1975 and again arrived in the United States on September 23, 1975. He was again admitted as a nonimmigrant student and was subsequently authorized to remain for the duration of his student status. He terminated his student status in June 1979. Mrs. Su first arrived in the United States on September 3, 1973, as a nonimmigrant student. She departed on or about December 22, 1974, and again arrived in the United States on March 20, 1975. She was again admitted as a nonimmigrant student and was authorized to remain until February 28, 1978.

On December 11, 1980, deportation proceedings were instituted against Mr. Su on the ground that he failed to maintain his student status and against Mrs. Su on the ground that she had remained in the United States for a longer period than authorized. On January 20, 1982, both Mr. and Mrs. Su were found deportable as charged and were granted the privilege of voluntary departure with the alternative of deportation should they fail to depart when required. In the same decision, the Immigration Judge denied the beneficiaries' application for political asylum.

Senator Bob Packwood and Senator Mark O. Hatfield, the authors of the bill, have submitted the following information in support of their bill:

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, February 22, 1982.

Hon. ALAN K. SIMPSON,
Subcommittee on Immigration and Refugee Policy,
Washington, DC.

DEAR ALAN: In accordance with the Rules of Procedure for private legislation, this letter is submitted on behalf of the private bill, S. 2103, for the relief of Kok Djen and Grace Su.

Specific information required by paragraph 2(a) is:

Mr. Kok Djen Su.—Entry: Honolulu, Hawaii, Sept. 23, 1975; Status: F-1, student; age: 29; DOB: November 10, 1952; POB, Kebunen, Indonesia: Address in U.S.: 2680 Old Columbia River, Hood River, Oreg., 97031; and visa obtained: U.S. Embassy, Jakarta, Indonesia.

Mrs. Grace Tanuwidjaja Su.—Entry: Honolulu, Hawaii, March 29, 1975; status: F-1, student; age: 26; DOB: June 22, 1955; POB, Senarang, Indonesia: address in U.S.: 2680 Old Columbia River, Hood River, Oreg., 97031; and visa obtained: U.S. Embassy, Jakarta, Indonesia.

Because administrative remedy appears exhausted in this case, I respectfully request that a report from the Immigration and Naturalization Service be requested so members of the Subcommittee can fully evaluate the case before deportation occurs.

Thanks for your consideration.

Cordially,

BOB PACKWOOD.

STATEMENT OF SENATOR BOB PACKWOOD SUPPORTING PRIVATE BILL FOR KOK DJEN AND GRACE SU

Mr. and Mrs. Su came to this country as students, he to Portland State in 1972 and she to the University of Washington, independently. When Kok completed his undergraduate degree in June of 1976, he found that he would like to remain in the United States permanently and explored the avenues that were open to him. In the meantime, on November 12, 1977, he married Grace Tanuwidjaya (aka Grace Tan) in Seattle.

Kok Djen had a F-1 visa, good for the "duration of education." Grace also had a F-1 visa, good until spring of 1978.

In September of 1977, Kok was informed by Immigration that there was a permanent status quota available under the preference for "investors in the U.S.". He was told it required investing at least $40,000 and employing at least three U.S. citizens. Relying upon that advice, he immediately sought such an investment opportunity and in April of 1978 purchased the SunDowner Restaurant in Hood River. His initial cash investment, including down payment, purchase of signs, new equipment, inventory and legal fees, was $80,000. To put the place on a sound basis and to bring it to a quality that would attract a good clientele, his cash investment grew to approximately $100,000, every penny of which came from his savings and his share of family property in Indonesia. In fact, he brought all of his money from Indonesia—a total of nearly $125,000—to enable him to continue his studies and provide for himself and his wife while he got the business going.

During all of this time, he was pursuing his studies at Portland State, in a Masters program in Electrical Engineering. For the first year after getting the restaurant, he

commuted to school from Hood River, as well as supervising the restaurant, and doing the cooking.

When he reported to Immigration in April of 1978 that he had made the necessary investment, he was informed, "Sorry, that quota has closed," and his application was not even accepted. No one had bothered to warn him that such quotas were subject to closure, or even that there might be a danger of such a thing happening. Relying on what he had been told eight months before, he risked great energy, and money, in purchasing a business which was crying for good management to turn it into a first-class establishment.

In the fall of 1979, Grace bore a child, Justin Alexander. The added duties of caring for a pregnant wife, and his inability to find a competent cook who would move to Hood River, caused him to temporarily discontinue his studies. By this time, the restaurant was employing between 12 and 15 people (presently 14), and it had become one of the better placess to eat in Hood River. He also was actively pursuing any available avenue which might permit him to obtain permanent residency.

The case has now been before Administrative Law Judge Newton Jones twice. The most recent hearing took place January 20, 1982. Judge Jones found them deportable and gave them until April 20, 1982, to effect voluntary departure. The State Department found no basis for their request for political asylum.

If this family is forced to leave the United States:

1. They will almost certainly lose most, if not all, of their money invested in the Oregon economy. They have a mortgage on the SunDowner of $110,000 and meeting that obligation depends upon the continued successful operation of the restaurant. With today's interest rates, finding someone who would assume this obligation is at best problematic.

2. The Su's would arrive in Indonesia with nothing more than they might get out of a forced sale of the business—if in fact there was any sale. There is no small risk they would arrive penniless.

3. Kok Su is of Chinese extraction. While he is not presently under any direct threat, and he is an Indonesian citizen (his parents immigrated before he was born), he is immediately subject to the dangers every resident of Indonesia of Chinese extraction must face. Furthermore, their child, now an American citizen, faces a measurable likelihood of discrimination which by the time he reaches adulthood, by statute, endows handicaps.

4. Nineteen U.S. citizens gainfully employed because of the Su's industry, courage, and capital will very likely be out of work.

The Su's are solid, hardworking, devoted Christian people, who unfortunately for their opportunities for immigration, but fortunately for Oregon, are making a solid contribution to the community and to our economy.

Whenever and wherever I am in Oregon, I receive innumerable inquiries from my constituents as to the Su's welfare and immigration status. Their community and the state of Oregon supports and looks forward to the passage of this private bill so that the Su family may become full-fledged American citizens.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), Rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact, inasmuch as it affects just two individuals.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1046) should be enacted.

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